



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

OCT 24 1996

Jerald N. Jones, Esq.
City Attorney
P.O. Box 31109
Shreveport, Louisiana 71130-1109

Dear Mr. Jones:

This refers to two annexations (Ordinance Nos. 205 and 206 (1995)) to the Shreveport City Court in Bossier and Caddo Parishes, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 26, 1996.

This also refers to two annexations (Ordinance Nos. 205 and 206 (1995)) and the designation of the annexed areas to City Council District D of the City of Shreveport in Bossier and Caddo Parishes, Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 26, 1996.

The Attorney General does not interpose any objection to the annexations insofar as they affect the boundaries of the City of Shreveport and council District D. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Insofar as Ordinance Nos. 205 and 206 affect the boundaries of the Shreveport City Court, however, we reach a different conclusion. As you know, the Attorney General has interposed objections to all annexations adopted between 1966 and 1995 that expanded the boundaries of the Shreveport City Court, as well as other changes, and has filed a lawsuit to enjoin the city from holding elections for the Shreveport City Court in these expanded boundaries. United States v. State of Louisiana, et al., No. CV-96-1903 (W.D. La., filed Aug. 12, 1996). Objections were interposed on September 6, 1994, September 11, 1995, and December 11, 1995. We enclose for your convenience a copy of the September 6, 1994, letter.

Our prior objection letters noted that the cumulative effect of the objected-to annexations was an 11 percentage point decrease in the black population. In light of the evidence that local judicial elections are characterized by racial bloc voting, we concluded that the annexations effect a significant reduction in the opportunity of black voters to elect candidates of their choice in city court elections. We noted, however, that these annexations could nevertheless warrant Section 5 preclearance if the jurisdiction obviated the retrogressive effect by adopting an election system "which would afford [black voters] representation reasonably equivalent to their political strength in the enlarged community." City of Richmond v. United States, 422 U.S. 358, 370 (1975).

We examined the method of electing city court judges to determine whether the election system legally in effect under Section 5 (i.e., two judges elected at large by designated positions, subject to a majority vote requirement) or the system proposed by Act No. 501 (1992) (one judge elected from a 73 percent black district and three judges elected by designated positions from a 35 percent black district), satisfied the City of Richmond test. For the reasons stated in our September 6, 1994 letter, and reiterated in subsequent objection letters, we concluded that neither system fairly reflected minority voting strength in the expanded jurisdiction and that reasonable alternatives existed that would afford black voters representation reasonably equivalent to their political strength in the enlarged city court jurisdiction.

In the ten months that have passed since our last objection, no changes to the method of electing the judges of the Shreveport City Court have been adopted by the state legislature. Thus, the election system against which we assess the impact of proposed boundary changes remains the same.

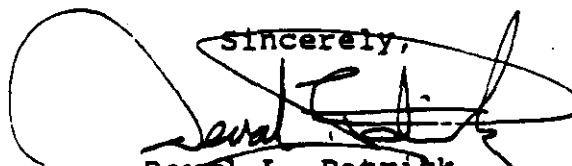
The two annexations before us, although uninhabited at present, are slated for future residential development. Based on existing residential patterns, future residents in these areas can be expected to be predominantly white. See City of Pleasant Grove v. United States, 479 U.S. 462, 471 (1987) ("Section 5 looks not only to the present effects of changes, but to their future effects as well.") Thus, the newly proposed annexations would result in a decrease in the black population percentage, which will further minimize minority electoral opportunity in the absence of a racially fair method of election for the expanded city court jurisdiction.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. Georgia vs. United States, 411 U.S. 526 (1973); see also 28 C.F.R. 51.52. In light of the considerations discussed above, I cannot conclude that your burden has been sustained in this instance. Therefore, on behalf of the Attorney General, I must object to these two annexations (Ordinance Nos. 205 and 206 (1995)) insofar as they expand the voting constituency of the Shreveport City Court.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed annexations have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the proposed annexations continue to be legally unenforceable insofar as they affect voting. See Clark v. Roemer, 500 U.S. 646 (1991); Dotson v. City of Indianola, 514 F. Supp. 397, 403 (N.D. Miss. 1981), aff'd mem., 455 U.S. 936 (1982); 28 C.F.R. 51.10.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the Shreveport City Court plans to take concerning these matters. If you have any questions, please call Tim Mellett (202-307-6262), an attorney in the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Deval L. Patrick", is written over a horizontal line. The signature is stylized with a large loop at the beginning and end.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division

Enclosure